Cr Misc 19204-M of 2007

Mr DK Bhatti, Advocate.
Mr IPS Sidhu, Sr DAG Punjab.

Heard.

The challan in the case was presented on 21.8.2001. Thereafter, the charge was framed for the offence under Section 420 IPC on 3.10.2001. The petitioner did not put in appearance before the trial Court on 4.12.2002 and he was thereafter declared a PO on 24.1.2004. The applicant was arrested on 3.10.2006 and since then he is in custody.

Learned counsel for the petitioner submits that the case is triable by a Magistrate. In fact, the petitioner had no intention to absent himself but he was mentally disturbed. Besides, the petitioner had told his family members that the complainant had withdrawn his complaint.

Learned counsel for the State has submitted that keeping in view the long absence of the petitioner before the trial Court, he is not entitled to the concession of bail.

After giving my thoughtful consideration to the matter, it may appropriately be noticed that the petitioner is in custody since 3.10.2006. The case is triable by a Magistrate. The trial in the case is likely to take sometime. In the circumstances, the petitioner, on his furnishing personal bond and surety to the satisfaction of the trial Magistrate, shall be admitted to bail. The petitioner shall also file an undertaking that he shall not in future absent himself except with the prior permission of the Court.

Disposed of.

25.5.2007. (S.S.SARON)
ASR JUDGE